



Northwest Arctic Borough

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October 29, 2019

Ambler Road DEIS Comments
BLM Fairbanks District Office
222 University Avenue
Fairbanks, AK. 99709

RE: Northwest Arctic Borough Comments/Ambler Road DEIS

Thank you for the opportunity to comment on the Ambler Road Draft Environmental Impact Statement ("DEIS"). The Northwest Arctic Borough ("NAB") is home to approximately 8,000 residents and includes the villages of Ambler, Buckland, Deering, Kiana, Kivalina, Kobuk, Kotzebue, Noatak, Noorvik, Selawik, and Shungnak. The NAB provides essential services to 11 communities, including public safety, water and sewer assistance, planning and economic development, and other public services. Approximately 85 percent of residents are Inupiat.

Established in 1986, the NAB is still a relatively young borough. There is a common saying here, "Our Land, Our Strength..." The NAB's leaders and community members have seen changes in policy, administration of services, demographics, and way of life, climate, leadership, development, and growth. The common denominator is the citizens' resilience and adaptability to change.

The NAB is fortunate to have mineral resources as well as a very active and thriving subsistence way of life that has sustained its residents since time immemorial. The land and waters continue to provide an abundance of fish, large game, fur bearers, waterfowl, birds, plants, berries, and everything needed for food security. Today, the subsistence economy continues to supplement the cash economy to provide everything NAB communities need to thrive.

In 2019, the NAB Assembly updated and adopted the following mission and vision statements:

Mission:

"As a Home Rule Regional Government, the Northwest Arctic Borough provides essential programs and service to improve the quality of life."

Vision:

“Improving the living and economic conditions of all residents.”

Additionally, the NAB has adopted the following positions regarding the Ambler Mining District:

- The NAB will consider responsible resource development that supports economic growth and investment while protecting the environment and ensuring socially responsible development;
- The NAB will enforce local permitting requirements using its special knowledge of the social, economic, natural, and other resources affecting the NAB and its communities;
- The NAB has special expertise applicable to the Environmental Impact Statement (“EIS”) effort, as defined by 40 CFR §§ 1508.15 and 1508.26;
- The NAB has the right to participate in the EIS process as a Cooperating Agency, including working directly with BLM to ensure a thorough EIS process that accounts for the needs and concerns of NAB residents;
- The NAB has joint resolutions with the North Slope Borough, (a) supporting the Alaska Industrial Development and Export Authority’s (“AIDEA”) evaluation of an industrial road; (b) acknowledging that food security and public benefit should be considered a priority by federal and state agencies; (c) recognizing that public engagement and consultation should be meaningfully incorporated into a final decision; (d) agreeing that both Boroughs will examine ways to maximize community benefit and economic development opportunities while undertaking an analysis of impacts and ways to minimize or mitigate any adverse effects; and (e) committing to explore opportunities for co-investment and ownership of projects and resources.

The NAB is and will continue to be an active supporter of resource development opportunities. The NAB is currently home to the world-class Red Dog Mine (“RDM”)—one of the world’s largest producers of zinc. Approximately 66 percent of the NAB’s operating budget comes from revenues from the Payment in Lieu of Taxes (“PILT”) Agreement with RDM’s operator, Teck Alaska Incorporated. The NAB has benefitted directly from the region’s resource development, and understands that those benefits can continue when future development is planned and managed effectively.

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The NAB Ambler Road Task Force, consisting of four Planning Commissioners and three Assembly members met on October 2 and 3, 2019, to review and discuss the DEIS. Although the Task Force supports the underlying project, a majority of the Task Force raised significant concerns with the DEIS and voted in favor of recommending the No Action Alternative until concerns regarding public input and outreach are addressed. The DEIS simply has too many unanswered questions and it is premature for the BLM to issue a Right of Way to AIDEA based on the current DEIS. When and if recommended changes are made from the DEIS into the final EIS, the Task Force will consider endorsing Alternative A as its preferred route.

Cooperating Agency Status and Public Outreach

The DEIS recognizes the NAB as a cooperating agency because of its “special expertise” in local and traditional knowledge, but more importantly, as ***the governing body which hosts the Ambler Mining District***. As a cooperating agency, the NAB has been concerned by the lack of information and involvement of local communities in the DEIS public process. A project of this magnitude deserves a sufficient public process, the Bureau of Land Management (“BLM”) has not provided to date.

Unfortunately, AIDEA has also not provided sufficient public outreach and opportunities for public involvement in preparation for this project. A project of this significance requires active involvement, participation, and understanding from local and regional stakeholders. To date, AIDEA has not hosted community meetings regarding the specifics of the project, with the exception of a presentation for the Inter Tribal Caucus in Fairbanks and a teleconference presentation with the NAB Planning Commission. We have, and will continue to assist AIDEA with outreach efforts to meet with communities.

Although the BLM has outreach protocols that have been adhered to, the access to information is challenging. The process is not user friendly for the average NAB resident. It is unrealistic to expect citizens of the region to review the volumes of the DEIS and make written comments in a short window of time. The BLM ePlanning website has a maze of information to review and in many rural Alaska communities internet access is challenging and sometimes impossible. The whole purpose of a Draft EIS is to make the final EIS the best it can be with input from those with expertise regarding all aspects of the planned project. In this case, the local people are the ones with vast expertise regarding the project area and the resources found there. It shortchanges everyone—the federal government, the applicant and the people—when the process is not used to obtain the best available information to incorporate in the final EIS.

The U.S. Army Corps of Engineers (“USACE”) issued a Public Notice for the Kobuk, Alatna, and Koyukuk Rivers; and the National Park Service is seeking Public Comments on

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the environmental and economic analysis for this project. Having these public comment periods simultaneously is not conducive to an engaged and informed public, especially those living in communities most affected by the proposed project.

Section 106 Process

The Section 106 analysis in the DEIS has valuable information regarding prehistoric and historic districts, sites, buildings, structures, and objects of spiritual, religious, and cultural importance. The Section 106 process requires consultation and outreach to tribes, agencies, local governments, and the public for purposes of seeking valuable information. Although BLM has completed outreach to communities for presentations on this important section, to date, no full presentations to Northwest Alaska communities were completed, with the exception of a teleconference presentation to the NAB Planning Commission in August 2019. Because of the magnitude of this project, it is imperative that Section 106 information is shared with all Northwest and Interior communities within the Ambler Mining District and should be accomplished prior to, or during the Open Public Comment Period and definitely *prior* to issuing a permit. BLM states that you must “make a good faith effort to provide tribes and other communities with an opportunity to identify ethnographic resources...” Because of the critical content of Section 106, a mere overview provided at the BLM Public Hearings does not suffice. BLM should work with communities to provide and solicit more information and input.

Mining Impacts

The Draft EIS would approve an industrial road and associated mining activities in the upper Kobuk River Valley and will have significant direct and cumulative impacts to the environment and Borough residents’ use of subsistence resources. The proposed road and its uses will also cause significant changes to the Arctic environment and wildlife resources upon which local communities depend for their livelihoods. Information about impacts from this development are not fully understood and are not addressed in the DEIS. There are significant unknowns about direct and cumulative impacts in the DEIS, which undercuts informed decision-making.

The DEIS states that direct impacts are attributable to the footprint of the road and cumulative impacts are attributable to mining exploration and development that is anticipated to occur off the road and later in time. A previously pristine environment will be changed to a busy, all-season road that connects the NAB to the Alaska road system. Once a road is built, further impacts will include the construction of more access roads to work camps, airstrips, and more mining facilities. The price of fuel in the affected communities, the impact of fugitive dust to the environment, and the impact of potential jobs in the region are still not known.

The direct and cumulative impacts of this project do not include an analysis on the relationship of Borough residents and their dependence on subsistence resources that inhabit the affected area. What will happen if caribou do not migrate to the affected communities? What will happen to the plants and environment when fugitive dust is introduced? What will happen to the cost of fuel if road activities are introduced? Further analysis is needed to make informed decisions. The cumulative effects of the road and mining development associated with climate change and increased natural hazards are important considerations that should be addressed and understood before this DEIS is approved.

Subsistence

Subsistence (a western word) or “Innunailaqput” is a *way of life*. Subsistence is not defined by data, research, or studies; it is a direct spiritual connection with everything within the environment, including the land, water, air, and all living creatures. In Northwest Alaska, there are legendary stories of sacred sites that people are prohibited to enter or disturb. Ancestral guidance requires that when areas are disturbed or disrespected, the resource will no longer provide. Although the proposed project promises economic opportunities, Inupiaq tradition requires that land and resources be treated with dignity and respect. AIDEA and their contractors should participate in Alaska Native Relations Training to understand the intricacies of local traditional knowledge, particularly for the Inupiaq and Athabaskan people and how Alaska Natives treat natural resources to prosper. The NAB is willing to assist AIDEA in providing such a training.

The Draft EIS would approve an industrial road and associated road uses in the upper Kobuk River Valley and will have significant negative direct and cumulative impacts to the environment and Borough residents’ use of subsistence resources. The proposed road and its uses will cause significant changes to the Arctic environment and wildlife resources upon which local communities depend for their livelihoods.

It is extremely important to include measures in the final EIS to protect food security. This is a unique way of life that integrates a close relationship to the environment in a sustainable manner that has developed over thousands of years and continues today. It is imperative that responsible development is maintained for the continued availability of these resources. The inter-generational dependence on subsistence resources is essential for survival at a time when the financial costs of living in the Arctic continue to increase.

A portion of the proposed project runs through the NAB Subsistence Conservation District for the Kobuk River Siifish and Whitefish Spawning Area. Subsistence use of lands and waters within the Borough has traditionally been the primary and highest priority use. The subsistence conservation district encompasses certain undeveloped areas of the Borough that

have been determined to have high importance to Borough residents for subsistence resources or activities. Subsistence conservation districts provide a foundation for health, social and cultural well-being for Borough residents and are intended to:

1. Include areas that are used regularly for subsistence harvest;
2. Conserve the natural ecosystem for all the various plants and animals upon which borough residents depend for subsistence; and
3. Promote access to those resources for subsistence purposes.

Uses of land within subsistence conservation districts will not be allowed unless the administrator or Planning Commission determines by substantial evidence that such uses will not interfere or conflict with subsistence uses. Subject to this overall intent, the subsistence conservation district can accommodate mineral exploration and development and minor resource extraction but applicants for major development projects must apply for rezoning to the resource development district. Commercial recreation uses are not allowed in the subsistence conservation district, except by permit. Mineral or oil and gas development requires a rezone to the resource development district because it is not allowed in this district. Except where excluded as a “use” under NAB Code 9.04.070, land use in the subsistence conservation district is prohibited unless permitted or approved as required by this title.

In addition to general areas zoned as the subsistence conservation district, the following subdistricts are established as priority subsistence resource areas due to the sensitivity of the area and/or high subsistence use. The boundaries of the subdistricts, other than the Pah River subsistence conservation subdistrict, are depicted on the zoning district map. For more information, see Chapter 9.12:

<https://www.codepublishing.com/AK/NWArcticBorough>.

Alternatives A and B are currently within the NAB Habitat Conservation District for the protection of the Shiifish and Whitefish spawning area. This area is critical for subsistence uses not only for Western Alaska, but for all of Alaska since we share, barter and trade these important resources statewide. A thorough public process is critical if a Transportation Corridor and Resource Development is rezoned in the area, and to date, has not been done.

As competition for subsistence resources such as caribou, moose, bears and sheep increases, it remains unclear how the proposed road will impact local hunters and those travelling to the region from Fairbanks and other locations. This concern *cannot* be understated and is a subject our region has been dealing with for decades through the use of transporters to drop off out-of-region hunters. This practice alone has had a significant impact on subsistence, and the Borough—in coordination with other agencies and entities—has taken

measures to curb negative impacts and abuses. AIDEA, the NAB, and Yukon-Koyukuk Census Area residents should meet and discuss this issue regarding access and control keeping subsistence use a priority.

Caribou

The scope of the DEIS did not include an analysis of potential impacts to the migration patterns of the Western Arctic Caribou Herd or socio-cultural impacts to subsistence users who depend on caribou for food. Changes to caribou habitat may have significant effects on subsistence users located far from the activities of the proposed road. Therefore, the area of subsistence impacts should include the North Slope, Northwest Arctic, Yukon-Koyukuk Census Area, the Bering Strait region, the Yukon-Kuskokwim Delta, and Bristol Bay regions. Taken together, all the information in the DEIS will most likely support a No Action Alternative in order to best protect this natural and pristine Arctic ecosystem.

The NAB recommends AIDEA hire local caribou observers on site and keep watch for caribou and other animals as the road is constructed. The NAB recommends that BLM require that construction halts when caribou are observed within 500 feet from the project site.

It is important to minimize impacts to caribou migration and calving grounds. Calving grounds may change naturally as a result of changing weather patterns. Updated research and studies should be done to ensure the road does not negatively impact caribou habitat. Additional studies should use local residents to assist in gathering data to incorporate local, traditional knowledge in the research protocols.

Economics

Section 3.4.5 of the DEIS describes the economic conditions of the NAB and the Yukon-Koyukuk Census Area. The cost of energy is high and the NAB is working on reducing the diesel consumption for communities with our renewable energy initiatives. In July 2019, the village of Buckland went off diesel fuel for their electricity and went 100% with wind and solar power. We continue to work with agencies to provide renewable energy to all our communities. All infrastructure AIDEA is proposing should seek alternative energy sources such as wind and solar power for operations.

According to AIDEA, the road to the Ambler Mining District will diversify Alaska's economy with an estimated 14,000 high paying jobs. The NAB recommends that AIDEA work closely with the Alaska Technical Center and the Northwest Arctic Leadership Team consisting of the Northwest Arctic Borough, the Northwest Arctic Borough School District, NANA Regional Corporation and Maniilaq Association to begin training programs specific to residents of the Northwest Arctic Borough and the Yukon-Koyukuk Census Area. The NAB

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intends to continue working with AIDEA to find potential financing opportunities and facilitate vocational training and scholarship opportunities at the Alaska Technical Center to prepare residents for jobs. The majority of the proposed road runs through the State of Alaska-owned lands, from which NAB receives revenue to support basic municipality functions. The NAB recommends that AIDEA support increased State Revenue Sharing to NAB communities.

As AIDEA is aware, the NAB pursued purchase of the Delong Mountain Transportation System to capture project revenue to fund public services for its residents. The NAB intends to approach AIDEA to discuss financing, employment, and other related opportunities with the construction of the road as well as potential resource values throughout the life of the mine(s).

Socioeconomics

The NAB encourages AIDEA to explore opportunities for community youth involvement in the project including internships, job training and scholarships. AIDEA should consider programs similar to the Teck/Alaska Technical Center Red Dog Training model to prepare Alaskans for specific jobs to build the road as well as jobs in the mining industry.

The NAB also recommends that AIDEA create a Wildlife Resource Office throughout the duration the project. A Wildlife Resource Office will provide stakeholders information on how AIDEA is protecting fish and wildlife throughout the project area. Because the industrial road would traverse rural Alaska subsistence use areas, it is critical that residents have direct access to managers, up-to-date information, and input on potential subsistence impacts. This office should also assist with outreach and recruitment opportunities with AIDEA and the region. Ideally, this office would be based in Northwest Alaska and be created with technical assistance from NAB and NANA Regional Corporation.

Because of the influx of activity in a currently-isolated area, NAB recommends that resources be made available for health assessments for residents within the proximity of the road, *prior* to the road being built. A health assessment was done by BLM's third-party Contractor, New Fields, to discuss baseline health and health impacts. The NAB recommends that the findings of New Fields be made public and forwarded to the Northwest Arctic Borough and Maniilaq Association. If the road is built, baseline data regarding human health, including physical and emotional well-being should be made available.

The NAB recommends resources be made available for monitoring and addressing the health and social impacts of a significant development project like this, including wellness and recovery services. With the influx of increased cash in the area, there is much concern of increased alcohol and drug abuse. Wellness initiatives and suicide prevention programs and

activities should be funded and created with the assistance of representatives from the Northwest Arctic Leadership Team.

Northwest Arctic communities are economically challenged. Many residents who are employed by the Red Dog Mine have relocated to urban Alaska mostly in the Anchorage area to take advantage of housing and lower cost of living opportunities. Should this road be built and mining in the area become a reality, it is recommended that AIDEA and the State of Alaska assist with community infrastructure such as housing and delivery of goods and services to provide local employees the opportunity to live in their communities.

Access

The project proposal calls for a 50-year road life and reclamation upon completion of mining life. However, once roads and airports are built in the area, it does not make sense to erase this infrastructure. A more thorough assessment of the road's potential uses beyond the life of any mines needs to be looked at, including the potential for the road to be built independently from mineral development.

The NAB recommends that AIDEA coordinate with the Red Dog Mine and local communities within the Ambler Mining District to ensure local hunters have access to hunting.

Native Allotments or private land owners should not be asked to relocate because of the route of the road. The NAB recommends that any selective alternative road assignment be built at least 10 miles from any Native Allotment.

The NAB further recommends that restrictions be adopted to prohibit reality television shows from accessing the Ambler Mining District road.

Geology

According to the DEIS, the amount of material required for road construction under the action alternatives would be approximately 15,000,000 cubic yards (Alternative A), 16,800,000 cubic yards (Alternative B), and 22,000,000 cubic yards (Alternative C). AIDEA has identified potential material sources along each alternative route of sufficient volumes to construct the project. Furthermore, it is not currently known if there are sufficient volumes of materials that do not contain naturally occurring asbestos ("NOA").

Table 3 in Appendix D shows the Asbestos potential of Alternative A. NOA potential for the proposed alternative is 91% unknown, 2% high potential, 2% medium potential, and 4% zero to low potential. The NAB is concerned that there is not sufficient information about

asbestos risk to make informed decisions on the physical environment for material sources. The DEIS states a preliminary evaluation of bedrock potential for NOA in the project area shows all action alternatives traverse areas of medium potential for NOA and cross large swaths of surficial deposits that are unevaluated for NOA potential.

The lack of current environmental and geological information for the construction of the proposed road is an important reason to select the No Action Alternative. Clean, suitable material that is free from NOA is what is needed for responsible development. According to the DEIS, the amount of clean, suitable material is not known. It is the responsibility of BLM to make sure that any construction will be completed with material that is safe, clean, and free of NOA.

Plants

With the rapid spread of Elodea in Alaska, construction workers, trucks, planes and other equipment must be washed prior to leaving the Dalton Highway and other airports that enter the Ambler Mining District.

Residents of the area rely on a variety of berries, plants, roots, bark and other flora for food, medicine, housewares, and building materials. If the project is permitted, we request baseline studies be done at the onset of the project and at regular intervals to ensure the health of respective plants.

Climate Change

The effects of climate change are noticeable in Northwest Alaska: caribou are migrating later; the oceans and rivers are freezing later and thawing sooner; the river routes are changing and getting shallower; coastal erosion continues to compromise lives and property; permafrost melts are resulting in massive sink holes; the water temperature of rivers, streams and the Arctic Ocean is warming at a rapid rate. With climate change being a factor in future development of infrastructure in the Arctic, the NAB recommends the BLM require building infrastructure such as culverts and bridges be built with material that is environmentally friendly and is flexible to withstand the effects of permafrost melt and changing water currents. When placing bridges and culverts, we request local expertise be utilized in placement of these.

Conclusion

The proposed Ambler Road is not simply an AIDEA development project permitted by BLM. It is a project that has been discussed in the region since the 1950's that will affect nearly every aspect of people's lives in Northwest, Interior, and all of Alaska. For the project

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to move forward, residents, as well as local and regional entities within the Ambler Mining District must work together in the planning and implementation phases of the project. The NAB strongly encourages the BLM to be accountable for, and make amendments to the DEIS to protect air quality and the environment to protect subsistence resources.

On behalf the Northwest Arctic Borough Assembly, Planning Commission, and residents, we would like to thank you for the opportunity to comment on the DEIS and we look forward to assisting you with outreach efforts in the NAB communities.

If you have questions, please contact myself at lnelson@nwabor.org or 1-800-478-1110 ext.8201 or Siikauraq Whiting, Planning Director at mwhiting@nwabor.org.

Sincerely,

NORTHWEST ARCTIC BOROUGH



Lucy S. Nelson
Mayor

CC: Northwest Arctic Borough Assembly
Northwest Arctic Borough Planning Commission

